



ROCKEFELLER CENTER
1270 AVENUE OF THE AMERICAS
24TH FLOOR
NEW YORK, NY 10020
T 212.307.5500 F 212.307.5598 www.Venable.com

June 19, 2018

T 212.503.0674
F 212.307.5598
BESockman@venable.com

VIA ECF

Honorable Steven M. Gold
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Qinghai Zeng v. The Parc Hotel, et al.*, 17 Civ. 07601 (ARR)(SMG)

Dear Judge Gold:

This firm represents defendant CLA Commercial Cleaning (“CLA”) in the above-referenced matter. In light of recent developments – namely, Plaintiff’s anticipated voluntary dismissal of certain claims set forth in the First Amended Complaint in this matter – we write to respectfully request that the deadline by which CLA may respond to the First Amended Complaint (the “Amended Complaint”) be extended from June 21, 2018 to June 28, 2018. This is CLA’s second request for an extension of the deadline to respond to the Amended Complaint. On June 7, 2018, the Court granted CLA a two-week extension. We have contacted Plaintiff’s counsel to request his consent in connection with this request, but we have not yet received a response.

On May 18, 2018, District Judge Nathan held a pre-motion teleconference to discuss then-Defendant The Parc Hotel’s (the “Parc Hotel”) request to file a dismissal motion in connection with the original complaint in this matter. During that teleconference, Judge Nathan set a deadline for Plaintiff to amend the complaint in order to address certain deficiencies, and set motion cycle deadlines for the Parc Hotel’s anticipated motion to dismiss the Amended Complaint. In so doing, Judge Nathan noted that CLA was in the unique position of both opposing the complaint and also potentially opposing the Parc Hotel’s attempt to avoid joint employer responsibility in connection with Plaintiff’s allegations. In recognition of this unusual posture, in devising a schedule, Judge Nathan also accounted for CLA’s potential opposition to the Parc Hotel’s anticipated dismissal motion.

On May 24, 2018, Plaintiff filed the Amended Complaint. *See* Dkt. # 19. In an unexpected development, the Amended Complaint dropped the Parc Hotel from the pleading entirely, rendering moot the briefing schedule discussed during Judge Nathan’s May 18 teleconference. Notably, however, the Amended Complaint failed to cure several of the deficiencies identified by Judge Nathan during the parties’ May 18 teleconference, and appeared to continue to assert non-viable claims.



Honorable Steven M. Gold
June 19, 2018
Page 2

Given the foregoing, on June 7, 2018, the Court granted CLA a two-week extension to respond to the First Amended Complaint. Since that time, the parties have been engaged in negotiations regarding Plaintiff's re-asserted non-viable claims. As of the date of this letter, it appears that the parties are close to finalizing an agreement pursuant to which Plaintiff will voluntarily dismiss certain of those claims. In order to complete that process and file the resulting (expected) stipulation of discontinuance, we hereby request additional time. CLA will also utilize this additional time to respond to Plaintiff's anticipated, newly-updated claims.

For these reasons, CLA respectfully requests that the Court extend until June 28, 2018 the deadline by which it may respond to the First Amended Complaint. This additional time may also enable the parties to discuss an out-of-court resolution of this matter. This request does not affect any other deadlines in this matter, as the Court has set July 10, 2018 for an initial conference.

On behalf of Defendant CLA, we thank the Court for its consideration in this matter.

Sincerely,

/s/

Benjamin Stockman

cc: John Troy, Esq., *attorney for Plaintiff* (By ECF)
David Yan, Esq., *attorney for Defendant Parc Hotel* (By ECF)